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**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

NATURAL RESOURCES DEFENSE
 COUNCIL, INC., et al.,

Plaintiffs,

v.

DEPARTMENT OF ENERGY, et al.,

04-cv-04448 SC (BZ)

**STIPULATION AND ~~PROPOSED~~
 ORDER TO ENLARGE TIME TO
 FILE A MOTION CONCERNING
 ATTORNEYS' FEES AND COSTS
 UNDER LOCAL RULE 54-6(a)**

Pursuant to Local Rule 6-2, Plaintiffs and Federal Defendant hereby stipulate to an extension of time for Plaintiffs to file any motion concerning attorneys' fees and costs with the Court in this case under Local Rule 54-6(a) consistent with the filing deadline established by the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B), and respectfully request that the Court grant such an enlargement of time, for the following reasons:

(1) Final judgment was entered in this case on May 3, 2007 (DE 67);

(2) The parties have 60 days from entry of the final judgment to appeal any portion of the judgment;

(3) Plaintiffs Natural Resources Defense Council and Committee to Bridge The Gap intend to negotiate with the government over the amount of fees and costs under EAJA. However, in the event the parties do not reach an agreement, EAJA requires that any application concerning fees and costs be filed within 30 days of a final, non-appealable judgment. 28 U.S.C. §§ 2412(d)(1)(B) and (d)(2)(G);

(4) The parties to this stipulation agree that it would not be an efficient use of their and the Court's resources to litigate fee issues at this time, before the time for appeal has even run;

Accordingly, Plaintiffs seek an enlargement of time to file any request concerning fees and costs under Local Rule 54-6(a) coextensive with the fee application deadlines set forth in EAJA, *i.e.*, within 30 days of issuance of a final, non-appealable judgment. Counsel for the federal defendants consent to this stipulation.

Dated: May 14, 2007

Respectfully submitted,

/s/

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I, Howard Crystal, attest that the foregoing Stipulation is true and correct, and that Andrew A. Smith has concurred in and authorized the filing of this Stipulation.

/s/
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~~[PROPOSED]~~ ORDER

Consistent with the foregoing stipulation, IT IS HEREBY ORDERED that the time for Plaintiffs to file a motion concerning attorneys' and costs under Local Rule 54-6(a) is extended up to and including the filing deadlines set forth in 28 U.S.C. § 2412(d)(1)(B).

IT IS SO ORDERED.

Dated: 5/17/07

